

Distracted Driving Control: **Mobile Phone/Electronic Device Sample Policy**



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RISK CONTROL



The likelihood of an at fault crash increases when using electronic/cellular devices while operating vehicles. Furthermore, distracted driving places employees in a potentially harmful situation and may create negligence and vicarious liability exposure on the employer. Under the doctrine of Vicarious Liability, employers may be held legally accountable for the negligent acts of employees committed during the course of their employment. Employers may also be found negligent if they fail to put a policy in place for the safe use of mobile phones/electronic devices in company insured vehicles and in personal vehicles when used for company business.

Instituting a policy on electronic/cellular devices will help control this risky activity and liability. Below is a sample policy that may be used as a guide for your organization's requirements.

SAMPLE POLICY

Scope

(INSERT COMPANY NAME) is committed to establishing and following practices that enhance employee safety and promote safe driving behaviors.

The following policy applies to any and all persons who have been qualified by (INSERT COMPANY NAME) to operate a company assigned vehicle or a personal vehicle for company business. This includes driving at any time during employment. Prohibited electronic devices may include personal and company provided mobile telephones, hands free devices, GPS, tablets, etc. This electronic device policy applies to the following:

- Anyone assigned to/operating a company vehicle (including personal use time).
- Anyone driving their personal car for company business.
- Family members with access to company vehicles.
- Operating a rental car for company business.

The use of an electronic device means:

- Using at least one hand to hold a mobile phone to make a call.
- Dialing a mobile phone by pressing a button.

- Using "hands free" call features.
- Reaching for a mobile phone in a manner that requires a driver to maneuver so that he or she is no longer in a seated driving position, restrained by a seat belt.
- Entering GPS locations.

Electronic/Cellular Device Safety Rules

(INSERT COMPANY NAME) requires all drivers to abide by all state and national transportation safety rules. Additionally, the following rules are to be followed while driving:

- There will be no use of a mobile phone or electronic device while operating the vehicle (including hands free).
- Keep both hands on the wheel while driving.
- Pull over in a legal and safe location to use electronic devices — phone calls, respond to text messages, or set up GPS.
- In the event of a phone call, allow voicemail or passengers to take the call.
- Plan calls prior to traveling.

OPTIONAL CONTROL

Mobile Phone Blocking Technology

Cell blocking technology is software for smartphones and tablets that detects the driving state and automatically puts the device in safe mode while driving. In safe mode, a curtain screen blocks access to the keyboard and screen. All notifications and alerts are suppressed — including incoming calls, texts and emails.

Mobile Phone Blocking Technology may be considered as an additional control and included in a company mobile phone policy.

All company vehicles are equipped with cell blocking technology provided by (INSERT PROVIDER HERE). The cell blocking technology prevents employees from talking, texting, emailing, posting to social media, or otherwise using the internet while in the vehicle. Employees operating company vehicles or driving personal vehicles for company business are required to download the appropriate applications to all electronic devices for use while in the vehicle. Emergency calls (i.e., 911) are always allowed through the technology platform in the event of an emergency situation. Other mobile functions must be authorized through (FLEET DIRECTOR TITLE AND NAME) before use.

This policy is mandated and supported by the management of:

Company Name

Date

President/CEO/Properly Authorized Management Signature

Sample acknowledgement form to be kept in employee personnel file.

I have read and understand my obligations as listed above concerning all requirements, rules and regulations, as well as the possession and use of a mobile phone or electronic device while driving a company vehicle. (Optional) Further, I understand that failure to abide by this agreement shall result in suspension/revocation of my company driving privileges and/or disciplinary action.

Employee Signature

Date

Additional tools and resources from CNA are available to help reduce risks and exposures at www.cna.com/riskcontrol.

